

Issued March 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2713.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 140 and 35 Boxes Pepper. Decree of condemnation and forfeiture.
Goods released on bond.**

MISBRANDING OF PEPPER.

On or about July 19, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 140 and 35 boxes, each containing 96 cans of pepper remaining unsold in the original unbroken packages and in possession of the Jewel Tea Co., Chicago, Ill., alleging that the product had been shipped on June 1, 1911, by Farrington & Whitney, New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Net 4 Oz Jewel Brand Spices—Pepper—Put up for Jewell Tea Co. Chicago—8 doz 1-4 Cans." (On packages) "Net 4 Oz Jewel Brand Spices—Pepper—put up for Jewel Tea Co. Chicago."

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above and the statements contained on the labels were false and misleading in that they purported to state the contents of the packages in terms of weight and measure, to wit, that the packages contained 4 ounces of pepper, whereas, in truth and in fact, they did not contain 4 ounces of pepper but a much less amount, to wit, 3 ounces of pepper. (While it was alleged in the libel that the retail packages contained only 3 ounces of pepper, equivalent to a shortage of 25 per cent, actual examination of 144

retail packages showed an average shortage of only 3.58 per cent, indicating that the average amount of pepper contained in each package was 3.86 ounces.)

On March 27, 1913, the said Jewel Tea Co., claimants, having admitted the allegations in the libels, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product should be surrendered and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$2,000, in conformity with section 10 of the Act.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 7, 1913.*

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